

REMARKS

This is in response to the Office Action that was mailed on December 8, 2005. Claim 1 is amended to incorporate the recitation of claim 4, and claim 4 is accordingly cancelled, without prejudice. Also, the relative amount of component (b) in the claimed composition has been limited to a range of 5-30 weight-%. With this Amendment, claims 1-3 and 5-11 are pending in the application.

Rejections over Fujii

Claims 1-7 and 9 were rejected under 35 USC § 103(a) as being unpatentable over US 5,977,235 to Fujii et al. (Fujii). Office Action, page 2. Claims 1-11 were rejected under 35 USC § 103(a) as being unpatentable over Fujii in view of US 3,750,499 (Peasley) or US 5,678,678 to Brandt et al. (Brandt) or US 6,471,625 B1 (Jimenez) or US 4,054,330 (Luo). Office Action, pages 3-4. The rejections are respectfully traversed.

Fujii discloses a material comprising 100 parts by weight of a binder resin composed of 85 to 99 weight-% of a base resin and 1 to 15 weight-% of styrene-isoprene-styrene block copolymer, and 1 to 20 parts by weight of iron compound particles. The material disclosed by Fujii differs significantly from the thermoplastic elastomer composition of the present invention. Neither the Fujii disclosure alone nor any combination of the Fujii disclosure with the disclosures of the Peasley, Brandt, Jimenez, or Luo references teaches or suggests the presently claimed invention.

It is also pointed out that the claims herein require at least: (a) aromatic vinyl-isoprene block copolymer; (b) aromatic vinyl-isoprene diblock copolymer; and (c) polyisoprene. The claims also expressly require that the aromatic vinyl monomer unit content be 14-30 weight-% based on the total amount of (a), (b), and (c). The statement of the rejection over Fujii refers only to “a SIS block copolymer” and “zero to 30 parts of isoprene rubber”. The Examiner says nothing about how Fujii allegedly renders a composition with an aromatic vinyl monomer unit content of 14 to 30 weight-% *prima facie* obvious. Accordingly, for this reason too, Applicant

respectfully submits that the Examiner has failed to state any sustainable ground of rejection over the Fujii reference.

Withdrawal of the rejections of record over Fujii alone and Fujii in view of Peasley or Brandt or Jimenez or Luo is earnestly solicited.

Rejection over Kamiya

Claims 1-8 were rejected under 35 USC § 103(a) as being unpatentable over US 4,199,490 (Kamiya). Office Action, page 2. The rejection is respectfully traversed.

Kamiya discloses a block copolymer latex composition comprising (A) a latex containing a block copolymer consisting of conjugated diolefin blocks and monovinyl-substituted aromatic compound blocks and (B) a latex of a rubber system. The Kamiya composition does not contain an aromatic vinyl-conjugated diolefin diblock copolymer. The Kamiya disclosure fails to teach or suggest the presently claimed compositions.

It is also seen that the claims herein require at least: (a) aromatic vinyl-isoprene block copolymer; (b) aromatic vinyl-isoprene diblock copolymer; and (c) polyisoprene. The claims also expressly require that the aromatic vinyl monomer unit content be 14-30 weight-% based on the total amount of (a), (b), and (c). Referring to Kamiya (and also to Sakagami, see below) in the first full paragraph on page 3 of the Office Action, the Examiner acknowledges that “the references provide no examples of Applicant’s combination of materials”. The Examiner’s statement of the rejection over Kamiya fails to address the issue of why Applicant’s compositions having an aromatic vinyl monomer unit content of 14-30 weight-% based on the total amount of (a), (b) and (c) should be disregarded in considering the patentability of the present invention. Accordingly, Applicant respectfully submits that for this reason too the Examiner has failed to state a sustainable ground of rejection over the Kamiya reference.

Clearly, withdrawal of rejection over the Kamiya reference is in order.

Rejection over Sakagami

Claims 1-9 were rejected under 35 USC § 103(a) as being unpatentable over US 5,089,550 (Sakagami). Office Action, pages 2-3. The rejection is respectfully traversed.

Sakagami generically discloses a block copolymer composition comprising 40-85 weight-% of an aromatic vinyl-conjugated diolefin diblock copolymer and 15-60 weight-% of an aromatic vinyl-conjugated diolefin-aromatic vinyl triblock copolymer. Sakagami also generically discloses that an adhesive composition comprising this block copolymer composition may be mixed with polyisoprene rubber. However, the ratio of the diblock copolymer to the triblock copolymer in the generically disclosed block copolymer composition of Sakagami differs from the corresponding ratio in the compositions of the presently claimed invention.

Moreover, it is pointed out that the claims herein require at least: (a) aromatic vinyl-isoprene block copolymer; (b) aromatic vinyl-isoprene diblock copolymer; and (c) polyisoprene, and also expressly require that the aromatic vinyl monomer unit content be 14-30 weight-% based on the total amount of (a), (b) and (c). The statement of the rejection over Sakagami refers to combinations of SIS and SI in the examples, and to generic disclosure concerning polyisoprene rubber. The Examiner says nothing about how the Sakagami disclosure makes a composition with an aromatic vinyl monomer unit content of 14 to 30 weight-% based on the total amount of (a), (b) and (c) allegedly *prima facie* obvious. Accordingly, Applicant respectfully submits that the Examiner has failed to state a sustainable ground of rejection over the Sakagami reference.

Applicants earnestly solicit withdrawal of the rejection over Sakagami.

Summary

Manifestly, the Office Action of December 8, 2005 fails to state a sustainable rejection of any of claims 1-3 and 5-11 herein. The Examiner is respectfully requested to withdraw the rejections of record and to pass this application to Issue.

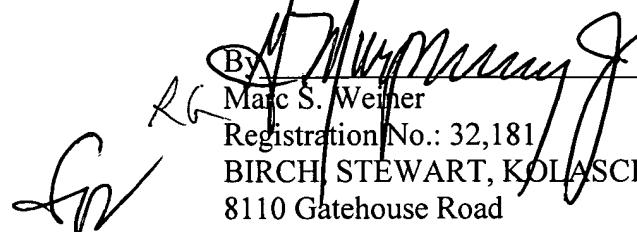
Application No. 10/522,745
Amendment dated April 10, 2006
Reply to Office Action of December 8, 2005

Docket No.: 4829-0102PUS1

Should there be any questions, the Examiner is invited to contact Richard Gallagher,
Registration No. 28,781, at (703) 205-8008.

Dated: April 10, 2006

Respectfully submitted,

By 
Marc S. Weiner
Registration No.: 32,181
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant